

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMES SALAZAR and DAWN SALAZAR,

Plaintiffs,

v.

LANDIS+GYR TECHNOLOGY, INC.,  
formerly doing business as CELLNET  
TECHNOLOGY, INC., and HENKELS &  
McCOY, INC.,

Defendants.

No. 4:14CV1974 RLW

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendant Henkels & McCoy, Inc.'s ("Henkels") Motion to Strike Defendant Landis+Gyr Technology, Inc.'s ("Landis+Gyr") Amended Cross Claim against Co-Defendant Henkels & McCoy, Inc. (ECF No. 40). Henkels argues that Landis+Gyr's Amended Cross Claim, filed on June 15, 2015, violates the Federal Rules of Civil Procedure because the amended claim is untimely, and Landis+Gyr did not request leave of court to file or obtain prior consent from Henkels. *See* Fed. R. Civ. P. 15(a). On January 28, 2015, this Court issued a Case Management Order pursuant to an agreed-upon Joint Proposed Scheduling Order and Discovery Plan. (ECF No. 15) The CMO provides that "[a]ll motions for joinder of additional parties or amendment of pleadings shall be filed no later than **June 15, 2015.**" (Case Management Order, ECF No. 19)

In response to Henkels' Motion to Strike, Landis+Gyr states that its Amended Cross Claim complies with the June 15, 2015 deadline set forth in the CMO. The Court agrees and finds that Landis+Gyr's Amended Cross Claim was timely filed in accordance with the CMO. Therefore, the Court will deny Henkels' Motion to Strike.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Henkels & McCoy, Inc.'s Motion to Strike Defendant Landis+Gyr Technology, Inc.'s Amended Cross Claim against Co-Defendant Henkels & McCoy, Inc. (ECF No. 40) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant Henkels & McCoy, Inc.'s Motion to Dismiss Landis+Gyr Technology, Inc.'s Cross Claim Pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 22) is **DENIED** as **MOOT**.

Dated this 24<sup>th</sup> day of June, 2015.

A handwritten signature in black ink, reading "Ronnie L. White". The signature is written in a cursive style with a horizontal line underneath it.

**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**